

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Jun KITAKADO

Application No.: 10/577,766

Confirmation No.: 6931

Filed: October 12, 2004 (Int'l)

Art Unit: 2617

For: METHOD OF DETERMINING  
TRANSMISSION RATE BY CONTROLLING  
ADAPTIVE MODULATION SCHEME (as  
amended)

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Examiner: B. Sarwar

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

**INTRODUCTORY COMMENTS**

This is in response to the non-final Office Action dated January 16, 2009, for which a response is due on April 16, 2009. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.